



**PATENT**  
Case Docket No. DEXCOM.8DVC1C1  
Date: May 27, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s) : Shults, et al.  
Appl. No. : 10/657,843  
Filed : September 9, 2003  
For : DEVICE AND METHOD FOR  
DETERMINING ANALYTE  
LEVELS  
Group Art Unit : 3736  
Class/Sub-Class : 600-347000  
Examiner : Nasser, R.

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 27, 2005

(Date)

Rose M. Thiessen, Reg. No. 40,202


**TRANSMITTAL LETTER**

**MAIL STOP ISSUE FEE**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Dear Sir:

Enclosed for filing is the Issue Fee for the above-identified application:

- (X) Form PTOL-85.
- (X) A check in the amount of \$1030 to cover the issue fee, publication fee, and advanced order of copies is enclosed.
- (X) Comments on Examiner's Statement of Reasons for Allowance in 1 page.
- (X) The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.
- (X) Return prepaid postcard.

  
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DEXCOM.8DVC1C

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CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

May 26, 2005

(Date)

Rose M. Thiessen, Reg. No. 40,202

COMMENT ON EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

**Mail Stop Issue Fee**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicant respectfully disagrees with the Examiner's Statement of Reasons for Allowance to the extent that some claims do not include all of the elements mentioned by the Examiner, and other claims include elements not mentioned by the Examiner. Also, to the extent that there is any implication that the patentability of the claims rests on the recitation of the particular combination of features as stated by the Examiner, Applicant respectfully disagrees with the Examiner's Statement because, for each claim, it is the combination of features recited in the claim that makes it patentable. All claims of the present application are allowable because they each recite a combination of features that are not taught or suggested by the prior art.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 5/27/05

By: 

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